

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Rule making related to continuation of health insurance coverage for surviving spouses and children of eligible department of correction employees

The Administrative Services Department hereby amends Chapter 64, “Benefits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 8A.104, 8A.413, 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 8A.402(1)“c” as amended by 2021 Iowa Acts, House File 861, section 32.

Purpose and Summary

These amendments comport with 2021 Iowa Acts, House File 861, section 32. This legislation creates new Iowa Code section 509A.13D, which provides for continuing health care benefits coverage for the surviving spouse and each surviving child of an eligible employee of the Iowa Department of Corrections. Pursuant to Iowa Code section 8A.402(1)“c,” the Department is the central agency responsible for state human resource management, including employee benefits. This new Iowa Code section says, in part, that the governing body of the State shall permit continuation of existing health insurance coverage for the surviving spouse and each surviving child of an eligible employee of the Iowa Department of Corrections in the event of that employee’s death in the line of duty.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 20, 2021, as **ARC 5982C**. A public hearing was held on November 9, 2021, at 1 p.m. in the Procurement Conference Room, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa.

At the public hearing, Michael Savala of the Iowa Department of Corrections submitted a comment in support of this rule making in light of the tragedy at the Anamosa prison earlier this year. No other public comments were received.

One change from the Notice has been made in Item 2 to replace the reference to 2021 Iowa Acts, House File 861, with the reference to the upcoming 2022 Iowa Code.

Adoption of Rule Making

This rule making was adopted by the Department on November 24, 2021.

Fiscal Impact

The fiscal impact cannot be determined since it is impossible to predict how many eligible employees would fall into this category in the future and what varying health care coverage details would be involved.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under this provision of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 19, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 64.15(3) as follows:

64.15(3) The surviving spouse and each surviving child of an eligible peace officer or fire fighter, as defined in ~~2018 Iowa Acts, House File 2502~~ Iowa Code section 509A.13C, are eligible for the continuation of existing, or reenrollment in previously existing, health insurance coverage.

ITEM 2. Adopt the following new subrule 64.15(4):

64.15(4) The surviving spouse and each surviving child of an eligible employee of the Iowa department of corrections, as defined in Iowa Code section 509A.13D, are eligible for the continuation of existing, or reenrollment in previously existing, health insurance coverage.

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